IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

NOTICE OF MOTION No.1359 of 2004.

WITH

INCOME TAX APPEAL (L) No.467/2004

Commissioner of Income Tax,
City-VI, Mumbai. ..Appellant.

Vs.

M/s Mona Traders Pvt.Ltd. ..Respondent.

Mr B.M. Chatterjee with Ms P. P. Bhosale for the Applicant.
Ms A. Vissanji with S.P.Mehta for the Respondent.

CORAM:DR.S. RADHAKRISHNAN
AND V.C. DAGA,JJ.
DATED:25TH JUNE, 2007.

P.C.:-

1. Heard the learned counsel for the applicant.

2. Perused affidavit and the additional affidavit in support of notice of motion. By this notice of motion, the appellant is seeking condonation of 392 days delay in filing the above appeal. Perusal of the additional affidavit indicates that nearly 10 months were spent to prepare the draft of appeal memo and there is absolutely no explanation as to why there is delay in preparing the draft of appeal memo. Similarly, even after the memo of appeal was received, the appeal was not lodged nearly for two months thereafter. Even in this regard there is absolutely no explanation. Under

these circumstances, we do not find any sufficient cause. Hence the notice of motion stands dismissed.

3. In view of the dismissal of notice of motion, appeal papers be consigned to record.

(V.C. DAGA,J.) **(DR.S. RADHAKRISHNAN,J.)**